



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1013

Introduced 2/8/2007, by Rep. Elizabeth Hernandez

#### SYNOPSIS AS INTRODUCED:

New Act  
210 ILCS 87/15

Creates the Access to Governmental Services Act. Provides that each State agency, constitutional officer, State program, and circuit clerk shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency. Provides that such reasonable steps include (1) having a sufficient number of qualified bilingual persons in public contact positions or as interpreters and (2) translating important documents ordinarily provided to the public into any language spoken by any limited-English-proficient population that constitutes at least a certain percentage of the population served. Requires the Illinois Human Rights Commission to implement a process to address disputes arising under the Act. Creates the State Language Assistance/Translator Services Clearinghouse within the Department of Central Management Services to assist in preparing, review, and approve, as to language-appropriateness, materials distributed to the public by State agencies and policy and procedure manuals used by State agencies in delivering services to the public. Amends the Language Assistance Services Act. Provides that a health facility (i) must adopt and review annually a policy for providing language assistance services and (ii) must provide its nonbilingual staff with standardized picture and phrase sheets (instead of having those 2 activities as options). Provides that a health facility must also do at least one of the remaining 7 specified activities (instead of must do one or more of 9 specified activities).

LRB095 08234 DRJ 29636 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Access  
5 to Governmental Services Act.

6 Section 5. Definitions. In this Act:

7 "Equal access" means to be informed of, participate in, and  
8 benefit from public services offered by a State agency, circuit  
9 court, constitutional office, or State program at a level equal  
10 to individuals who do not have limited English proficiency.

11 "Important documents" means application or informational  
12 materials, websites, notices, and complaint forms offered by  
13 State agencies, constitutional officers, circuit court clerks,  
14 and State programs, as defined by rule by the appropriate State  
15 agency, constitutional officer, circuit court clerk, or State  
16 program. "Important documents" does not include applications  
17 and examinations related to the licensure, certification, or  
18 registration of businesses and professionals.

19 "Limited English proficiency" means:

20 (1) indicated on the U.S. Census as speaking a language  
21 other than English and speaking English "not well" or "not  
22 at all"; or

23 (2) the inability to adequately understand or express

1           oneself in the spoken or written English language.

2           "State program" means any program administered by a State  
3 agency, but does not include any program administered, in whole  
4 or in part, by a unit of local government or a school district,  
5 regardless of whether State funds are expended under the  
6 program.

7           "Sufficient number of qualified bilingual persons in  
8 public contact positions" means the number of qualified  
9 bilingual persons required in order to provide the same level  
10 of service to non-English-speaking persons as is available to  
11 English-speaking persons seeking the same service.

12           Section 10. Language access required; State agencies,  
13 officers, and programs.

14           (a) Each State agency, constitutional officer, and State  
15 program shall take reasonable steps to provide equal access to  
16 public services for individuals with limited English  
17 proficiency. Those reasonable steps to provide equal access to  
18 public services include, but are not limited to, the following:

19           (1) Having a sufficient number of qualified bilingual  
20 persons in public contact positions or as interpreters to  
21 assist persons in public contact positions in providing  
22 services to individuals with limited English proficiency  
23 when there is a documented substantial need due to the  
24 nature or extent of contact between a State agency,  
25 constitutional officer, or State program and individuals

1 with limited English proficiency.

2 (2) Translating important documents ordinarily  
3 provided to the public into any language spoken by any  
4 limited-English-proficient population that constitutes at  
5 least 3% of the overall population of the State, as  
6 measured by the U.S. Census.

7 (b) Nothing in this Act requires an executive branch State  
8 agency to establish an office in a county where it would not  
9 otherwise maintain an office.

10 Section 15. Language access required; circuit clerks. Each  
11 circuit court clerk shall take reasonable steps to provide  
12 equal access to public services for individuals with limited  
13 English proficiency. Those reasonable steps to provide equal  
14 access to public services include, but are not limited to, the  
15 following:

16 (1) Having a sufficient number of qualified bilingual  
17 persons in public contact positions or as interpreters to  
18 assist persons in public contact positions in providing  
19 services to individuals with limited English proficiency  
20 when there is a documented substantial need due to the  
21 nature or extent of contact between the circuit court clerk  
22 and individuals with limited English proficiency.

23 (2) Translating important documents ordinarily  
24 provided to the public into any language spoken by any  
25 limited-English-proficient population that constitutes

1 more than 5% of all residents of the county in which the  
2 circuit clerk serves, as measured by the U.S. Census.

3 Section 20. Rules. Each State agency, constitutional  
4 officer, circuit court clerk, and State program shall adopt  
5 rules regarding the requirements of this Act not less than 6  
6 months after the effective date of this Act, or as soon  
7 thereafter as possible.

8 Section 25. Disputes; Illinois Human Rights Commission.  
9 The Illinois Human Rights Commission shall implement a process  
10 to address disputes arising under this Act, including, but not  
11 limited to, disputes concerning the interpretation of  
12 "important documents" and "sufficient number of qualified  
13 bilingual persons in public contact positions" and agency  
14 determinations of the offices where the services are provided.  
15 The Commission shall implement this process not less than 6  
16 months after the effective date of this Act, or as soon  
17 thereafter as possible.

18 Section 30. State Language Assistance/Translator Services  
19 Clearinghouse. The State Language Assistance/Translator  
20 Services Clearinghouse is created within the Department of  
21 Central Management Services to assist in preparing, review, and  
22 approve, as to language-appropriateness, brochures and other  
23 materials distributed to the public by State agencies and

1 policy and procedure manuals used by State agencies in  
2 delivering services to the public. The purpose of the  
3 clearinghouse is to ensure the accuracy and effectiveness of  
4 such materials and manuals.

5 Section 90. The Language Assistance Services Act is amended  
6 by changing Section 15 as follows:

7 (210 ILCS 87/15)

8 Sec. 15. Language assistance services. To insure access to  
9 health care information and services for  
10 limited-English-speaking or non-English-speaking residents and  
11 deaf residents, a health facility must do both ~~one or more~~ of  
12 the following:

13 (1) Adopt and review annually a policy for providing  
14 language assistance services to patients with language or  
15 communication barriers. The policy shall include  
16 procedures for providing, to the extent possible as  
17 determined by the facility, the use of an interpreter  
18 whenever a language or communication barrier exists,  
19 except where the patient, after being informed of the  
20 availability of the interpreter service, chooses to use a  
21 family member or friend who volunteers to interpret. The  
22 procedures shall be designed to maximize efficient use of  
23 interpreters and minimize delays in providing interpreters  
24 to patients. The procedures shall insure, to the extent

1 possible as determined by the facility, that interpreters  
2 are available, either on the premises or accessible by  
3 telephone, 24 hours a day. The facility shall annually  
4 transmit to the Department of Public Health a copy of the  
5 updated policy and shall include a description of the  
6 facility's efforts to insure adequate and speedy  
7 communication between patients with language or  
8 communication barriers and staff. ~~Review existing policies~~  
9 ~~regarding interpreters for patients with limited English~~  
10 ~~proficiency and for patients who are deaf, including the~~  
11 ~~availability of staff to act as interpreters.~~

12 (2) Provide its nonbilingual staff with standardized  
13 picture and phrase sheets for use in routine communications  
14 with patients who have language or communication barriers.  
15 ~~Adopt and review annually a policy for providing language~~  
16 ~~assistance services to patients with language or~~  
17 ~~communication barriers. The policy shall include~~  
18 ~~procedures for providing, to the extent possible as~~  
19 ~~determined by the facility, the use of an interpreter~~  
20 ~~whenever a language or communication barrier exists,~~  
21 ~~except where the patient, after being informed of the~~  
22 ~~availability of the interpreter service, chooses to use a~~  
23 ~~family member or friend who volunteers to interpret. The~~  
24 ~~procedures shall be designed to maximize efficient use of~~  
25 ~~interpreters and minimize delays in providing interpreters~~  
26 ~~to patients. The procedures shall insure, to the extent~~

1 ~~possible as determined by the facility, that interpreters~~  
2 ~~are available, either on the premises or accessible by~~  
3 ~~telephone, 24 hours a day. The facility shall annually~~  
4 ~~transmit to the Department of Public Health a copy of the~~  
5 ~~updated policy and shall include a description of the~~  
6 ~~facility's efforts to insure adequate and speedy~~  
7 ~~communication between patients with language or~~  
8 ~~communication barriers and staff.~~

9 In addition, a health facility must do at least one of the  
10 following:

11 (A) Review existing policies regarding interpreters  
12 for patients with limited English proficiency and for  
13 patients who are deaf, including the availability of staff  
14 to act as interpreters.

15 (B) (3) Develop, and post in conspicuous locations,  
16 notices that advise patients and their families of the  
17 availability of interpreters, the procedure for obtaining  
18 an interpreter, and the telephone numbers to call for  
19 filing complaints concerning interpreter service problems,  
20 including, but not limited to, a T.D.D. number for the  
21 hearing impaired. The notices shall be posted, at a  
22 minimum, in the emergency room, the admitting area, the  
23 facility entrance, and the outpatient area. Notices shall  
24 inform patients that interpreter services are available on  
25 request, shall list the languages for which interpreter  
26 services are available, and shall instruct patients to

1 direct complaints regarding interpreter services to the  
2 Department of Public Health, including the telephone  
3 numbers to call for that purpose.

4 (C) ~~(4)~~ Identify and record a patient's primary  
5 language and dialect on one or more of the following: a  
6 patient medical chart, hospital bracelet, bedside notice,  
7 or nursing card.

8 (D) ~~(5)~~ Prepare and maintain, as needed, a list of  
9 interpreters who have been identified as proficient in sign  
10 language and in the languages of the population of the  
11 geographical area served by the facility who have the  
12 ability to translate the names of body parts, injuries, and  
13 symptoms.

14 (E) ~~(6)~~ Notify the facility's employees of the  
15 facility's commitment to provide interpreters to all  
16 patients who request them.

17 (F) ~~(7)~~ Review all standardized written forms,  
18 waivers, documents, and informational materials available  
19 to patients on admission to determine which to translate  
20 into languages other than English.

21 ~~(8) Consider providing its nonbilingual staff with~~  
22 ~~standardized picture and phrase sheets for use in routine~~  
23 ~~communications with patients who have language or~~  
24 ~~communication barriers.~~

25 (G) ~~(9)~~ Develop community liaison groups to enable the  
26 facility and the limited-English-speaking,

1 non-English-speaking, and deaf communities to insure the  
2 adequacy of the interpreter services.

3 (Source: P.A. 93-564, eff. 1-1-04.)